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## REMARKS

The present response is intended to be fully responsive to all points of rejection raised by the instant Office Action, and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

### Status of Claims

Claims 1 – 14 are pending in the application and are rejected. Claims 1 – 12 and 14 are cancelled without prejudice or disclaimer. Claim 13 is amended herewith, which amendment is supported by the disclosure at pages 7 – 8 which describes Fig. 2.

## CLAIM REJECTIONS

### 35 U.S.C. § 102 Rejections

Claims 13 and 14 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,586,267 to Chatwani et al. (hereinafter "Chatwani"). Applicant respectfully traverses the rejection of claims 13 and 14 in view of the remarks that follow.

Point #4 of the Office Action asserts that claim 13's original wording of "configuring a plurality of active ports of a plurality of ATM devices with a VPI/VCI known not to exist in said network" describes a feature found in Chatwani at col. 14, lines 30 – 37 and col. 16, lines 6 – 15.

The cited portion of Chatwani at col. 14 indicates that all meta-signaling channels be configured to the same VPI:VCI of 0:1. However, Chatwani does not characterize the selection of the VPI:VCI as "a VPI/VCI known not to exist in said network" as does claim 13, but rather as a VPI:VCI "defined by the CCITT standards" (col. 14, line 53), which neither teaches nor suggests limiting the VPI:VCI to one that does not exist within the network. Claim 13 has been further amended to limit the configuration to

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“unmatched but active ports” whose place in the topology graph is unknown and that the present invention determines. (The terms “matched” and “unmatched” are used throughout the disclosure, where “matched” is defined on page 6, last paragraph as “...two ports at the ends of each existing link in the topology graph...[having] matching VC endpoints...”.) This further limitation is neither taught nor suggested by Chatwani, where instead “at the time a switch is booted, the switch preconfigures certain “meta-channels” for each of the 16 ports on the switch” (col. 13, lines 56 – 58). Chatwani thus preconfigures channels “for each of the 16 ports on the switch” rather than just for unmatched ports, and does so without regard to whether or not the ports are active (which, by definition, they cannot be prior to the switch being booted) or unmatched, which cannot be determined without reference to an existing topology graph.

Claim 13 is further amended and now recites, *inter alia*:

“...finding a path in a topology graph of said network from a transmitting source within said network to a selected one of said ATM devices having a matched port and a configured unmatched port...”

This recitation merely restates the original claim 13 recitation of “establishing...between a transmission source...and a selected one of said ATM devices along a known path, wherein said selected ATM device has at least one target active port for which a link to any other of said ports is not known to exist in said network” (emphasis added), with “matched port” being inherently taught by the original recitation, as otherwise a known path to the ATM device could not exist. Chatwani neither teaches nor relates to finding a path to an ATM device having a matched and unmatched port.

Point #4 of the Office Action asserts that claim 13’s original wording of “...establishing a VC between a transmission source within said network and a selected one of said ATM devices along a known path, wherein said selected ATM device has at least one target active port for which a link to any other of said ports is not known to exist in said

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network..." is found in Chatwani at col. 9, line 62, through col. 10, line 11, and col., 12, lines 5 -14.

Claim 13 is amended herewith and now recites, *inter alia*:

"...establishing a permanent virtual circuit (PVC) between said transmission source and an unmatched transmitting port, being said configured unmatched port of said selected ATM device, via said matched port along said path..." (emphasis added).

The cited portion of Chatwani at col. 9 is provided as part of " General Overview of an ATM Network" (col. 9, line 28), and merely describes ATM virtual paths and channels in general, while the cited portion of Chatwani at col. 12 merely describes cell switching in general. Neither portions relate to the specific establishment of a PVC along a known path from a transmission source and to a port that is not associated with a VC in a known topology graph as recited by claim 13 as amended. Chatwani's providing of general ATM information does not lead to the establishment of such a PVC, which the present invention teaches will allow for ports whose VC affiliation is not known to be discovered.

Point #4 also indicates that the claim language does not provide sufficient linkage. Applicant now submits that claim 13 as amended clearly links between configuring ports (whose topology graph VC affiliation is unknown) with a fictitious VPI/VCI, and the establishment of a path to such a configured port.

In view of the above, Applicant respectfully submits that claim 13 as amended is not anticipated by Chatwani, and is therefore deemed allowable. Applicant therefore requests that the rejection of claim 13 under 35 U.S.C. §102(b) be withdrawn.

Applicant cancels claim 14 without prejudice or disclaimer, and reserves the right to pursue cancelled claims in continuation or divisional applications.

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### **35 U.S.C. § 103 Rejections**

Claims 1, 2, 4 – 9, 11, and 12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,654,802 to Oliva et al. (hereinafter “Oliva”) in view of Chatwani. Applicant cancels claims 1, 2, 4 – 9, 11, and 12 without prejudice or disclaimer, and reserves the right to pursue cancelled claims in continuation or divisional applications.

Claims 3 and 10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Oliva in view of Chatwani, and further in view of U.S. Patent No. 5,926,462 to Schenkel et al. Applicant cancels claims 3 and 10 without prejudice or disclaimer, and reserves the right to pursue cancelled claims in continuation or divisional applications.

### **Conclusion**

Applicant respectfully submits that entry of the instant amendment and consideration of the above remarks renders the present application in condition for allowance, which action Applicant respectfully solicits.

### **Petition For One-Month Extension Of Time Under 37 CFR 1.136(a)**

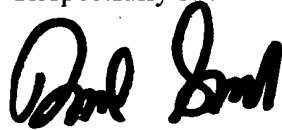
The period for responding to the instant Office Action was set to expire on November 16, 2005. Applicant hereby requests that the period for responding to the instant Office Action be extended by one (1) month, so as to expire on December 16, 2005. Accordingly, this response is being timely filed.

The fee for a Petition for a One-Month Extension of Time is Sixty Dollars (\$60.00) dollars for a small entity. No additional fees are believed due. The United States Patent and Trademark Office is hereby authorized to charge Deposit Account 501380 in the amount of \$60.00 and any additional fee which is necessary in connection with the filing of this amendment and petition.

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Favorable action on this amendment and response is courteously solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Daniel Swirsky', written in a cursive style.

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Dated: December 6, 2005

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### **AMENDMENTS TO THE DRAWINGS**

The attached sheet of drawings includes changes to Fig. 1B and replaces the original sheet including Fig. 1B. In Figure 1B, element 114 has been relabeled as element 130.